

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

NOV - 4 2020

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Marco Antonio MELENDEZ Castaneda
C.O.B. - Mexico / Y.O.B. - 1976

Case No.

M-20-2384-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 23, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. 922(a)(6)

It shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

This criminal complaint is based on these facts:

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed.R.Cr.P.4.1. and probable cause:

☒ Continued on the attached sheet.

Reviewed by AUSA Laura Garcia

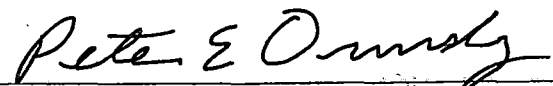
/S/ Alexander Estrada

Complainant's signature

Alexander Estrada, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: November 4, 2020 10:49 a.m.

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Alexander Estrada, being duly sworn, do hereby state that I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Department of Justice, and have been so employed since January of 2016. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26 of the United States Code.

Further, the Affiant states as follows:

On November 3, 2020, ATF Special Agents conducted a consensual interview with Marco MELENDEZ Castaneda (hereinafter referred to as MELENDEZ) at his residence in Mission, Texas. The interview was in regards to MELENDEZ' attempt to purchase a firearm on September 23, 2020 at a Federal Firearms Licensee (FFL) located in Pharr, Texas. During the consensual interview, MELENDEZ stated that he completed the ATF Form 4473 (Firearms Transaction Record) in order to attempt to purchase the firearm listed on the ATF Form 4473. MELENDEZ also stated that he was previously arrested for attempted murder, kidnapping, and aggravated assault. MELENDEZ stated he was in jail for five days and sentenced with eight years of probation. Additionally, MELENDEZ stated that when he was working in Texas City, Texas, about one year prior, he was not able to rent an apartment because the landlord advised MELENDEZ that he had one or more felonies in his record. MELENDEZ also stated that a Judge had advised him that he could have been sentenced to ten to ninety years imprisonment after being convicted of Aggravated Assault.

While reviewing the ATF Form 4473 with ATF SAs, MELENDEZ acknowledged completing the ATF Form 4473 on September 23, 2020. In reference to Section 21, Question "c." on the ATF Form 4473, MELENDEZ indicated that he had not been previously convicted of a felony, or any other crime for which a judge could have imprisoned him for more than one year, to include being sentenced a shorter sentence and/or probation.

Later on the same date, ATF SA Estrada reviewed a judgment of conviction from the 370th Judicial District Court of Hidalgo County, Texas that documented the conviction of Marco MELENDEZ for Aggravated Assault, a second degree felony in case number: CR-0835-06-G (Count Two) on July 10, 2006.

In my training and experience, your affiant knows that had MELENDEZ answered "Yes" on the ATF Form 4473, Section 21, Question "c.", the FFL dealer would have been obligated to deny MELENDEZ the sale of the firearm. Because MELENDEZ certified the ATF Form 4473 which answered "No" in Section 21, Question "c.", MELENDEZ made a false statement or representation intended or likely to deceive such licensed dealers with respect to facts material to the lawfulness of the sale of such firearms in violation of Title 18 U.S.C. 922 (a)(6).